IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.MC.No. 487 of 2007()

CC.212/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PONNANI

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PETITIONER:

FAKARUDHEEN, AGED 28 YEARS,
S/O.KUNHI MOHAMMED, KALAMMAL HOUSE,
ALANCODE P.O., MALAPPURAM.

BY ADV. SRI.C.V.MANUVILSAN
SRI.P.K.KHALEEMUDHEEN
SRI.G.SUDHEER (THURAVOOR)
SMT.MAJIDA ABDUL MAJEED

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, CHANGARAMKULAM, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.487 of 2007

Dated this the 26th day of February, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Section 324 read with 34 I.P.C. The petitioner was granted bail at the crime stage. According to the petitioner, he had no information about the cognizance of the offence by the learned Magistrate later. He now finds himself in an unenviable predicament of coercive processes under Sections 82 and 83 Cr.P.C as also a non bailable warrant issued by the learned Magistrate chasing him.

2. The petitioner is prepared to appear before the learned Magistrate and seek bail in the regular and ordinary course. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He has come to this Court with a prayer that powers under Section 482 Cr.P.C may be invoked to issue direction to the learned Magistrate to grant bail to the petitioner.

3. I find absolutely no merit in the prayer. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume

that the learned Magistrate would not consider such application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are exceptional and compelling reasons.

5. Hand over a copy of this order to the learned counsel for the petitioner today itself.

(R.BASANT, JUDGE)

rtr/-